REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 11 – 13, 22 and 25 – 29 are pending in the application. Claims 11 – 13, 22 and 25 – 29 have been rejected. Claims 11, 22, 26, 28 and 29 have been amended. Claim 27 has been cancelled without prejudice.

New claim 30 has been added in order to further define what the Applicants consider to be the invention. Applicants respectfully assert that no new matter has been added.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 11 – 13, 22 and 25 – 29 under 35 U.S.C. § 103(a), as being unpatentable over Ogihara et al. (US 6,880,753) in view of Snow et al. (US 2001/0047340).

Applicants respectfully traverse this rejection in view of the remarks that follow.

Ogihara et al. describes a distribution management system and method which checks the authenticity of consumer goods as they pass through the distribution system. Ogihara et al. describes the process as follows:

"At step 340, when the product is being shipped out, the product's tag is read using the read 101 to retrieve its tag ID. The management device 12 receives the tag ID and associates it with first security information or product distribution information related to the shipping destination, shipping origination, shipping date and time, and the like, that may be used to authenticate the product in the distribution process." (col. 4, line 64 – col. 5, line 4)

"Returning to Fig. 1A, the operations involving the distributor/wholesaler 110 is described below. At the distributor/wholesaler 110, the tag of the product 180 received from the manufacturer 100 is read using tag reader 11. The tag ID read by the reader 111 is transmitted to a management device 112. The management device 112 sends this tag ID to the management device 131 at the management center 130 via the network 190. Then, the management device 112 performs an authenticity evaluation. This authenticity evaluation will be described later. The management device 112 sends the results of the evaluation to the management device 131 at the management center 130. In another embodiment, the evaluation is performed in the product management center 130." (col. 5, lines 21 – 34).

"When the product 180 is shipped out, the reader 111 reads the tag ID from the tag 170. The tag ID is associated with second security or distribution information, e.g., the shipping date and time and the shipping destination. This security information is stored in the management database 113. In one embodiment, the reader generates the security information. In another embodiment, the management device generates the security information. The management device 112 transmits the security or distribution information to the management device 131 at the product status management center 130 for storage in the database 132.

The operations performed at the retailer 120 are similar to those performed at the wholesaler/distributor 110. ... One difference, however is that there is generally no information that corresponds to the shipping destination information used in the

distributor/wholesaler site since the product 180 is sold to the consumer 160 rather than shipped to the retailer 120." (col. 5, lines 36 – 59)

As can be seen from the quotes above, Ogihara et al. shows a distribution management system which tracks the location of a product by reading its tag as it passes through the distribution chain. The management system also determines whether or not the item is authentic, based, at least in part, on the shipping destination and time stored in the tag.

Claim 11, on the other hand, recites *inter alia*:

"querying a third party authority to verify that said item is owned by said store

and that said store received title to it from a chain of owners beginning with its

indicated manufacturer"

Claim 22 recites similar language.

Ogihara et al. does not store information about ownership and thus, does not find counterfeiters based on a chain of owners from manufacturer to store. Instead, Ogihara et al. stores and checks security information and location information and determines authenticity as a function of whether or not the product's tag indicates a reasonable length of time from one point in the chain to the next (i.e. manufacturer to distributor and/or distributor to retailer). Ogihara et al. may resort to manual inspection of tags when the information is not clear. Such is not necessary in the invention of claims 11 and 22 as the information of the third party authority is sufficient to define authenticity.

Ogihara et al. does not show "electronically transferring ownership of labeled manufactured items from manufacturer and ultimately to a store", as recited in new claim 30, as Ogihara et al. do not store ownership information. Nor does Ogihara et al. show "providing a certificate of non-counterfeit to said authentication unit if said store is registered as owning said item", also in new claim 30. As mentioned above, Ogihara et al. may resort to manual inspection.

Claim 29 recites *inter alia*:

"commercial entities to which said items are sold from manufacture until point

of sale; …

providing an affirmative response to said query if said store is recorded in said

database as owning said particular item."

Ogihara et al. does not show storing "commercial entities to which said items are sold from manufacture until point of sale".

The addition of Snow et al. does not help. Snow et al. registers products, but only from after the point of sale onwards. Moreover, Snow et al. does not provide a certificate of non-counterfeit if the store is registered as owning the item, but only when a customer, who has already bought the item, attempts to register the item. ("The information, namely the validation ticket, is validated by comparison with information in registration company's database 44 and if the information is deemed valid, the user is subsequently invited to register the item in the registration company's database 44. The user would enter a registration number (now shown and discussed hereinafter) which is associated with the ticket and would pay a transaction fee." (middle of paragraph [0086]))

Accordingly, Applicants respectfully assert that amended independent claims 11, 22 and 29 and new independent claim 30 are allowable. Claims 12 – 13, 25, 26 and 28 depend from, directly or indirectly, claims 11 and 22, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 12 – 13 and 25, 26 and 28 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended claims 11 – 13, 22 and 25, 26, 28 and 29.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number

below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of

this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 09-0468.

Respectfully submitted,

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